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From bribery allegations to insulting editorials: a brief history of parliamentary calls to the bar in Canada

If PHAC president Iain Stewart acquiesces, he will become the first private citizen to be called to the bar by the House of Commons to receive a formal reprimand since 1913

By **Christopher Nardi**Published Jun 18, 2021 4 minute read [23 Comments](#)

Though it went unused for more than 100 years until this week, the House of Commons' power to call someone to the bar for questioning, admonishment or reprimand was used roughly a dozen times before 1913. PHOTO BY SEAN KILPATRICK/THE CANADIAN PRESS/FILE

OTTAWA – On February 20, 1913, a defiant R.J. Miller — a private citizen and the former president of the Diamond Light and Heating Company — was escorted into the House of Commons by the Sergeant-at-Arms to face parliamentarians and answer a single question about an alleged bribe.

“To whom did you pay the sum of forty-one thousand and twenty-six dollars for the purpose of securing contracts from the Government of the Dominion of Canada, amounting to one hundred and seventeen thousand dollars or thereabouts,” the House of Commons asked Miller, as recorded at the time by the parliamentary Journal.

Miller would go on to refuse once again to answer the question, as he had done both two days previously and one year earlier in front of the Public Accounts committee. In doing so, he was declared to be in contempt of the House of Commons and ordered to be

imprisoned by the Sergeant-at-Arms in the Common Jail of the County of Carleton until he accepted to respond. He ultimately remained in prison until the parliamentary session ended four months later.



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Miller was the last recorded case of a private citizen being called to the bar — literally a long brass bar near the entrance of the House of Commons which can only be passed by MPs or those invited by the Crown — and then imprisoned by the Sergeant-at-Arms of the House of Commons.

But last Thursday a majority of the House of Commons voted to find the Public Health Agency of Canada (PHAC) in contempt of Parliament for withholding documents that might explain why two scientists were fired from Canada’s main infectious disease lab this year.

In doing so, the House also voted to order Iain Stewart, the president of PHAC, to be called to the bar to receive a formal reprimand within two sitting days. If he acquiesces, he will become the first private citizen to do so since Miller.

“The summoning of... an individual to appear at the Bar is an extraordinary event which places the Member or individual under the authority of the House vested with its full disciplinary powers,” explains the House of Common’s procedure and practice book.

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Though it went unused for over a century, the House’s power to call someone to the bar for questioning, admonishment or reprimand was used roughly a dozen times before 1913.

The first registered incident by the House of Commons is in 1873, when electoral returning officer Richard James Bell was accused of acting in a way that would influence

the outcome of a hotly-contested election in Muskoka, Ont., according to the parliamentary Journals.

After responding to questions during three separate hearings, he was called back to the House on March 28 and told that he had acted “illegally” by not naming Alexander Peter Cockburn as the rightful winner of the election and returning MP for Muskoka. He was then discharged of his duty as returning officer.

The same year, parliamentarians also called to the bar a member of the media who was also an occasional employee of the House: Elie Tassé, editor of *Courrier d’Outaouais*, a French language newspaper published in Ottawa.

In an article titled “Le Masque est levé” (The mask is lifted), the newspaper accused Charlevoix MP Pierre-Alexis Tremblay of pandering to his electorate during elections and then consistently voting with the Opposition thereafter. “But that game is played out, and the County of Charlevoix will show him that it is so, for it is one to cry shame of traitors and knaves,” reads the article, as quoted by MPs in the parliamentary Journals.

The article also accused Two Mountains MP Wilfrid Prévost of being a “traitor” who “inspired us with the greatest disgust.”



Public Health Agency of Canada President Iain Stewart in 2018.

Public Health Agency of Canada President Iain Stewart in 2018. PHOTO BY TONY CALDWELL/POSTMEDIA/FILE

Ultimately, Tassé was asked a half-dozen questions on who owned the newspaper before being allowed to withdraw without facing any sanctions.

MPs have also been called to the bar to be admonished by the speaker as recently as 2002, when Keith Martin grabbed the House’s ceremonial mace after the Liberals quashed his private member’s bill that decriminalized marijuana.

Days after his “gesture of protest”, the House voted to suspend Martin until he came to the bar and formally apologized, which he did shortly after and was allowed to resume his

seat.

In other cases, the House of Commons has issued a warrant allowing the Sergeant-at-Arms to arrest an individual to force them to appear in front of Parliament, but without necessarily calling them to the bar.

That power was last used in 2007 to force the appearance of lobbyist Karlheinz Schreiber in front of the federal ethics committee during the Airbus affair involving former Prime Minister Brian Mulroney.

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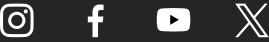
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